UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/534,950	03/24/2000	David G Stork	074451.P0118	1960

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EXAMINER
BOOKER, KELVIN E

ART UNIT	PAPER NUMBER
2121	

DATE MAILED: 01/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/534,950	STORK, DAVID G
	Examiner	Art Unit
	Kelvin E Booker	2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>20 November 2002</u> .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-22</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) <u>15 and 16</u> is/are allowed.

6)☒ Claim(s) <u>1,2,6,7,10,12 and 17-20</u> is/are rejected.

7)☒ Claim(s) <u>3-5,8,9,11,13,14,21 and 22</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)	4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) ☒ Other: *Detailed Office Action* .

DETAILED ACTION

Response to Amendment

1. In Amendment "A", filed November 20, 2002 (see paper no. 6), the applicant has amended

claims 1, 17 and 20 to clarify the subject matter which applicant regards as the intended

invention. The Examiner has withdrawn the 35 USC § 112 rejections, and claims 1-22 are

presented for further examination and consideration.

Response to Arguments

2. Applicant's arguments filed November 20, 2002 have been fully considered but they are not

persuasive.

Claim Rejections - 35 USC § 102

3. *The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the*

basis for the rejections under this section made in this Office action:

> *A person shall be entitled to a patent unless –*
>
> *(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of
> this subsection of an application filed in the United States only if the international application designated the
> United States and was published under Article 21(2) of such treaty in the English language.*

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999

(AIPA) do not apply to the examination of this application as the application being examined

was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C.

122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment

by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. ***Claims 1, 2, 6, 7, 10, 12 and 17-20*** *are rejected under 35 U.S.C. 102(e) as being anticipated*

by Prasad, U.S. Patent No. 5,960,422 [hereafter Prasad].

    ***As per claim 1**, Prasad teaches of a method of machine learning using a training process*

to train a learning system, the method comprising:

    A. presenting queries to non-expert netizens [e.g., Internet users] over a network, the

netizens participating in the training process (see column 3, lines 1-15: querying users in the

training process);

    B. continually updating the system and refining the queries based on responses to the

queries provided by the netizens (see column 3, lines 1-32: refining data models).

    ***As per claim 2**, Prasad teaches of a method wherein the system has certain goals*

including accumulating data (see column 2, lines 50-67: creating, optimizing and classifying

models of sources).

    ***As per claim 6**, Prasad teaches of a method wherein the goals of the system evolve as the*

system is updated (see column 3, lines 10-31: refining models).

    ***As per claim 7**, Prasad teaches of a method wherein the goals comprise a plurality of*

intermediate goals, that change in response to the responses while approaching a final goal (see

column 3, lines 1-31).

    ***As per claim 10**, Prasad teaches of a method wherein setting up the system comprises:*

A. implementing a plurality of rules for presenting questions (see column 2, lines 60-63: employing rule induction);

B. implementing an architecture for interacting with the netizens to enable netizens to access the system (see column 3, lines 1-10: network enabling Internet users to access system); and

C. generating a database for storing the responses (see column 3, lines 10-31).

As per claim 12, Prasad teaches of a system coupled to a network to present queries to and receive responses from a plurality of netizens over the network, the system comprising: (1) a data aggregation logic to organize the responses (see column 2, lines 50-67); and (2) a query formulation logic to formulate a next query based on the plurality of responses to the last query (see column 3, lines 15-31).

Prasad does not explicitly disclose a user interface for presenting the queries and receiving the responses. However, this is deemed to be inherent to Prasad's system as the cited art clearly teaches of querying and accepting user input throughout the reference. Prasad's system would not be effective if the system was unable to provide a means for querying Internet users and accepting user responses to train the system.

As per claims 17 and 18, the same limitations are subjected to in claims one and two, respectively, therefore the same rejections apply (see claims one and two above).

As per claims 19 and 20, the same limitations are subjected to in claim one, therefore the same rejections apply (see claim one above).

Allowable Subject Matter

5. *Claims 15 and 16 are allowable.*

6. *Claims 3-5, 8, 9, 11, 13, 14, 21 and 22 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.*

7. *The following is a statement of reasons for the indication of allowable subject matter:*

the cited prior art fails to explicitly teach of a method of machine learning wherein a training process is employed to train a learning system whereby Internet users are queried, and the results are employed to continually update and refine a system in which, the method of machine learning is instrumental in facilitating the analysis of handwriting, voice and object recognition; resolving conflict resolution; and evaluating user reliability ratings.

Conclusion

8. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the cyclic presentation of machine generated queries to Internet users participating in a training process) are not recited in the rejected claim(s). The process of a machine learning system presenting a query to an Internet user, and the system's acceptance and processing of the user input query whereby the learning system's generation and formulation of a response query which is further presented to the user based upon data aggregation and the organization of user responses is not

explicitly disclosed within the claims. Examiner notes that it is incumbent upon the applicant to

provide a clear and concise disclosure of what is claimed as the intended invention, in both the

completeness of the independent claims and depth of the supporting dependent claims. Although

the claims are interpreted in light of the specification, limitations from the specification are not

read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

9. In the remarks, the Applicant argues in substance that the cited reference, Prasad, fail to (1)

address *presenting a query to a user, and request a response;* and (2) *teach or suggest a query*

formulation logic to formulate a next query based on the plurality of responses.

10. In response to the Applicant's argument (1) regarding query presentation and user response,

the Examiner respectfully disagrees. Prasad teaches of *presenting queries to Internet users and*

requesting a response (see claim 1(A) above; and figure 2) as a means to initiate searching a

specified user selected topic. It is only as a result of accepting a response from the user, that the

system is able to process the query and continually learn and increase training capability to

optimize search strategies to optimize the resultant.

11. In response to the Applicant's argument (2) regarding forming query logic to formulate a

next query based on the plurality of responses the Examiner respectfully disagrees. As disclosed

in claim 12 of the application, Prasad teaches of *a query formulation logic to formulate a next*

query based on the plurality of responses to the last query (see claim 12 (B) above). Prasad's

query logic is used to further define and train the machine learning tools used to generate a resultant based upon the initial user's query.

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. An inquiry concerning this communication or earlier communications from the examiner should be directed to Kelvin Booker whose telephone number is (703) 308-4088. The examiner can normally be reached on Monday-Friday from 7:00 AM-5:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee, can be reached on (703) 305-8498. The fax number for the organization where this application or proceeding is assigned is (703) 746-7239.

An inquiry of a general nature or relating to the status of this application proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

K.E.B.

Art Unit 2121

January 16, 2003

JOHN FOLLANSBEE
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